

Message Text

CONFIDENTIAL

PAGE 01 CAPE T 00414 01 OF 05 191700Z
ACTION AF-08

INFO OCT-01 EUR-12 IO-13 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 EB-08
COME-00 TRSE-00 DHA-02 /083 W
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O R 191555Z MAR 77
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 5843
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMCONSUL DURBAN
AMEMBASSY GABORONE
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
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C O N F I D E N T I A L SECTION 1 OF 5 CAPE TOWN 0414

E.O. 11652: GDS
TAGS: PINT PINS PFOR SF WA
SUBJ: TURNHALLE COMPLETES WORK; VIEWS FROM NAMIBIA ON
TALKS BETWEEN INTERIM GOVERNMENT AND SWAPO

1. SUMMARY. EMBOFF VISITED WINDHOEK MARCH 15-18 AND HELD
TALKS WITH TURNHALLE LEADERS, SWAPO REPRESENTATIVE AND
VARIOUS OTHER PARTIES ON DRAFT CONSTITUTION, INTERIM
GOVERNMENT (IG) AND SWAPO. CONSTITUTION FOR IG PERIOD,
WHICH WILL BE SUBMITTED TO SAG IN MID-APRIL, PROVIDES FOR
THREE TIER GOVERNMENT WITH POWERS SPLIT BETWEEN ETHNIC AND
NATIONAL GOVERNMENTS. NATIONAL ASSEMBLY, WHICH SHOULD
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PAGE 02 CAPE T 00414 01 OF 05 191700Z

BE SITTING BY JULY, WILL OPERATE ON CONSENSUS BASIS.
SAG WILL MAINTAIN CONSIDERABLE PRESENCE AND INFLUENCE
DURING IG.

2. ATTITUDES INSIDE TURNHALLE ON NEGOTIATIONS WITH
SWAPO VARY, BUT SOME INFLUENTIAL DELEGATES, INCLUDING
KLOPPERS AND MUDGE, ARE LOOKING FORWARD TO TALKS

DURING IG PERIOD. OTHER DELEGATES WOULD PREFER TO FREEZE SWAPO OUT UNTIL IG HAS HAD TIME TO PROVE SELF AND GAIN POPULAR SUPPORT. NO SENSE OF URGENCY EXISTS. INTERNAL SWAPO TAKING FLEXIBLE POSITION AND NOT RULING OUT TALKS.

3. VIEWS ON WHITE REFERENDUM, WALVIS BAY, AND BILL OF RIGHTS ALSO DISCUSSED. END SUMMARY.

DRAFT CONSTITUTION FOR SOUTH WEST AFRICA/NAMIBIA:

4. THE TURNHALLE COMPLETED ITS WORK ON THE THIRD DRAFT INTERIM GOVERNMENT (IG) CONSTITUTION ON MARCH 18. THIS DRAFT WILL NOW BE SUBMITTED TO A GROUP OF LEGAL ADVISERS WHO ARE EXPECTED TO TAKE ABOUT THREE WEEKS TO TRANSLATE THE DOCUMENT INTO LEGAL LANGUAGE FOR SUBMISSION TO THE SAG, WITH MID-APRIL AS TARGET. THIS LEGAL VERSION WILL NOT BE SUBMITTED TO TURNHALLE FOR APPROVAL BEFORE ITS SUBMISSION TO THE SA PARLIAMENT, BUT DELEGATES BELIEVE IT WILL ACCURATELY REFLECT THEIR WISHES. TURNHALLE DELEGATES HOPE THE INTERIM GOVERNMENT CAN BE SITTING BY JULY 1, OR, AT THE LATEST, BY THE END OF AUGUST.

5. IN ADDITION TO APPROVAL FROM THE SAG, EACH ETHNIC ELECTORAL BODY IN SWA WILL HAVE TO DESIGNATE ITS MEMBERS BEFORE THE IG CAN BEGIN SITTING. BECAUSE THE NATIONAL ASSEMBLY WILL HAVE ONLY 60 MEMBERS, MANY OF TURNHALLE'S 150 DELEGATES WILL NOT BE INCLUDED. IT IS EXPECTED, HOWEVER, THAT MOST PROMINENT MEMBERS OF THE TURNHALLE CONFERENCE WILL ALSO BE LEADING

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00414 01 OF 05 191700Z

FIGURES IN THE IG. MANY OF THE PRESENT DELEGATION LEADERS WILL BECOME THE MINISTERS FROM THEIR ETHNIC GROUPS. IT IS TAKEN FOR GRANTED THAT DIRK MUDGE WILL BE THE FIRST CHAIRMAN OF THE COUNCIL OF MINISTERS. THERE IS STILL A GOOD DEAL OF SPECULATION OVER WHO WILL BE STATE PRESIDENT DURING THE IG, BUT THE NAME MOST OFTEN MENTIONED IS KLEMMENS KAPUUNO. DURING THE IG PERIOD, SWA WILL CONTINUE TO BE REPRESENTED IN THE SOUTH AFRICAN PARLIAMENT BY SIX WHITE NATIONAL PARTY MP'S, UNLESS THE SAG SHOULD DECIDE OTHERWISE.

6. THE DRAFT CONSTITUTION PROVIDES FOR THREE TIERS OF GOVERNMENT: NATIONAL (NATIONAL ASSEMBLY), ETHNIC GROUP (REPRESENTATIVE AUTHORITY) AND MUNICIPAL. THE POWERS OF EACH ARE SPELLED OUT IN DETAIL IN THE DRAFT CONSTITUTION, BUT A MEASURE OF AMBIGUITY AND OVERLAP EXISTS WHICH COULD CAUSE CONFUSION. THE NATIONAL ASSEMBLY WILL HAVE CONTROL OVER CORPORATION TAXES (ITS MAJOR SOURCE OF INCOME), IMMIGRATION, MINING, ROADS, WATER AND ENERGY, INFORMATION,

ECONOMIC AFFAIRS, TRADE AND INDUSTRY, LABOR, NATIONAL HEALTH, CORPORATIONS, FISHERIES, PRISONS, NATIONAL AND TERTIARY EDUCATION (OF LITTLE SIGNIFICANCE UNTIL INSTITUTIONS OF HIGHER LEARNING ARE ESTABLISHED), PUBLIC WORKS, REVENUE, HIGH COURTS AND UNIFORM ADMINISTRATION OF JUSTICE, AND A NUMBER OF LESSER MATTERS. REPRESENTATIVE AUTHORITIES WILL HAVE POWER OVER LAND TENURE, AGRICULTURAL ECONOMY, EDUCATION, SOCIAL WELFARE, SURFACE RIGHTS, FINANCE AND REVENUE, PUBLIC WORKS, ECONOMIC DEVELOPMENT, PLANNING, LOCAL AND TRADITIONAL COURTS, AND A NUMBER OF OTHER MATTERS WITHIN THEIR RESPECTIVE AREAS.

7. THE SAME PERSON MAY SERVE IN BOTH A REPRESENTATIVE AUTHORITY AND THE NATIONAL ASSEMBLY, AND DELEGATES FEEL THAT BECAUSE OF A LACK OF TALENT THERE IS LIKELY TO BE A GREAT DEAL OF DUALITY IN REPRESENTATION. THE CONFIDENTIAL

CONFIDENTIAL

PAGE 04 CAPE T 00414 01 OF 05 191700Z

POPULATION GROUPS ARE NOT REQUIRED TO ESTABLISH REPRESENTATIVE AUTHORITIES, AND THOUGH MOST ARE LIKELY TO AT FIRST, THERE IS A HOPE AMONG SOME DELEGATES THAT THESE WILL EVENTUALLY FALL AWAY AND THEIR POWERS WILL REVERT TO THE NATIONAL ASSEMBLY. EACH POPULATION GROUP WILL DECIDE THE MAKE-UP OF ITS REPRESENTATIVE AUTHORITY AND ITS DELEGATION TO THE NATIONAL ASSEMBLY. IN THE NATIONAL ASSEMBLY DECISIONS WILL BE TAKEN BY CONSENSUS AMONG THE DELEGATIONS. THE SYSTEM WILL BE A CUMBERSOME ONE AND WILL DEMAND GOOD WILL AND A WILLINGNESS TO COMPROMISE FROM ALL DELEGATIONS. THE CONSENSUS SYSTEM SHOULD ASSURE THAT NO NEW RESTRICTIVE LEGISLATION IS PASSED, BUT MIGHT MAKE IT DIFFICULT TO REPEAL CURRENT RESTRICTIONS.

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PAGE 01 CAPE T 00414 02 OF 05 191735Z
ACTION AF-08

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INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
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C O N F I D E N T I A L SECTION 2 OF 5 CAPE TOWN 0414

8. MUNICIPAL AUTHORITIES WILL BE ESTABLISHED IN EVERY TOWN, AND IN URBAN AREAS SUCH AS WINDHOEK WHICH INCLUDE WHITE, BLACK, AND BROWN TOWNS, UMBRELLA ORGANIZATIONS WILL BE CREATED TO COORDINATE AMONG MUNICIPAL AUTHORITIES. MUNICIPAL AUTHORITIES WILL HAVE LIMITED POWERS OVER ORDINARY URBAN NECESSITIES SUCH AS ROAD MAINTENANCE AND PROVIDING ELECTRICITY. MEMBERS OF ANY POPULATION GROUP MAY OWN BUSINESSES IN ANY URBAN AREA. A DECISION ON WHERE DIFFERENT POPULATION GROUPS MAY OWN HOUSES HAS NOT YET BEEN TAKEN.

9. SOUTH AFRICA WILL CONTINUE TO EXERCISE CONSIDERABLE INFLUENCE OVER SOUTH WEST AFRICA DURING THE INTERIM GOVERN-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00414 02 OF 05 191735Z

MENT PERIOD AND WELL BEYOND. ACCORDING TO THE LATEST DRAFT CONSTITUTION, THE SAG WILL, FOR THE DURATION OF THE IG, HOLD LEGISLATIVE AND EXECUTIVE POWERS IN RESPECT OF DEFENSE, EXTERNAL AFFAIRS, TRANSPORT, FINANCE AND FOREIGN EXCHANGE, INTERNAL SECURITY INCLUDING THE SA DEFENSE FORCE AND POLICE, TELECOMMUNICATIONS INCLUDING BROADCASTING, POSTS, CUSTOMS AND EXCISE, AND SALES POLICY. ANOTHER SECTION OF THE CONSTITUTION SPECIFIES THAT THE SWA NATIONAL ASSEMBLY MAY NOT PASS LAWS IN CONFLICT WITH SOUTH AFRICAN LEGISLATION IN RESPECT OF THOSE MATTERS OVER WHICH SOUTH AFRICA RETAINS POWER. ONE RESULT OF THIS WILL BE THAT SOUTH AFRICAN SECURITY LEGISLATION WILL REMAIN IN EFFECT IN NAMIBIA UNTIL AT LEAST 1979.

10. IN ADDITION TO THESE LEGAL POWERS, THE SOUTH AFRICAN CIVIL SERVICE WILL, FOR THE FORESEEABLE FUTURE, CONTINUE TO ADMINISTER ALL DEPARTMENTS. BY THE MOST OPTIMISTIC

ESTIMATES, NON-WHITE NAMIBIAS WILL BEGIN TO RUN DEPARTMENTS BY 1979. A MORE REALISTIC ESTIMATE GIVEN BY A NUMBER OF TURNHALLE DELEGATES IS THAT SOUTH AFRICANS WILL CONTINUE TO BE PROMINENT FOR ANOTHER TEN YEARS OR MORE. THE PROBLEM IS THAT THERE IS VERY LITTLE TRAINED LOCAL MANPOWER, AND NO SERIOUS EFFORTS HAVE YET BEEN UNDERTAKEN TO BEGIN TRAINING. THERE IS TALK OF ESTABLISHING AN INSTITUTE, PERHAPS WITH ANGLO-AMERICAN CO MONEY, TO TRAIN LOCALS FOR THE CIVIL SERVICE. THE LARGE MAJORITY OF YOUNG EDUCATED NON-WHITES SYMPATHIZE WITH SWAPO AND SO WOULD HESITATE TO WORK FOR THE IG. A SIGNIFICANT TEST OF THE IG THEREFORE WILL BE THE DEGREE OF SUCCESS IT HAS IN ATTRACTING THIS YOUNG ELITE TO THE CIVIL SERVICE.

11. A SOUTH AFRICAN MILITARY PRESENCE WILL ALSO REMAIN IN NAMIBIA AS LONG AS THE THREAT OF OUTSIDE ATTACK CONTINUES. THERE HAVE BEEN MOVES TOWARD TRAINING A SOUTH WEST AFRICAN MILITARY FORCE, BUT IT WILL TAKE MANY YEARS TO ESTABLISH AN EFFECTIVE FORCE. TURNHALLE DELEGATES TEND TO BE DEFENSIVE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00414 02 OF 05 191735Z

ABOUT THE SAG MILITARY PRESENCE, NOT ACTUALLY ANSWERING QUESTIONS BUT ASKING WHERE ELSE THEY MIGHT FIND MILITARY SUPPORT, OR COMPARING THE SAG PRESENCE TO AMERICAN TROOPS IN GERMANY.

12. COMMENT. IT IS DIFFICULT TO PREDICT HOW THE IG WILL FUNCTION AND WHETHER ITS ESTABLISHMENT WILL LEAD TO MEANINGFUL CHANGES IN NAMIBIA. AT PRESENT MOST APARTHEID LEGISLATION REMAINS IN FORCE AND FEW REAL CHANGES HAVE BEEN INSTITUTED. NO POWERFUL PERSONALITIES HAVE EMERGED TO TAKE THE LEAD AMONG THE NON-WHITE TURNHALLE DELEGATES. THE DELEGATES HAVE SHOWN THEMSELVES TO BE CAUTIOUS AND WILLING TO BOW TO TYITE PRESSURE. NO CRY OF PROTEST AROSE AS A RESULT OF RESTRICTIVE ACTIONS SUCH AS THE CUT-OFF OF FUNDS TO ROMAN CATHOLIC SCHOOLS WHICH ADMITTED NON-WHITE STUDENTS OR THE EMASCULATION OF THE BILL OF RIGHTS. A NUMBER OF DELEGATES, IN FACT, DEFEND THE SCHOOL FUNDS' CUT-OFF, AND ONLY HALF THE DELEGATIONS WERE STRONGLY IN FAVOR OF A LEGALLY ENFORCEABLE BILL OF RIGHTS. NO PUBLIC OPPOSITION WAS REGISTERED WHEN PRIME MINISTER VORSTER ANNOUNCED, CLOSE TO THE END OF THE TURNHALLE SESSION, THAT WALVIS BAY WILL REMAIN PART OF SOUTH AFRICA.

13. WHILE SOME BLACK AND BROWN DELEGATES ARE SENSITIVE TO CRITICISM, MOST WILL READILY ADMIT THAT MUCH REMAINS TO BE DONE IF TURNHALLE AND THE IG ARE TO BE CREDIBLE. A COMMON FEELING AMONG THESE DELEGATES IS THAT THEY HAVE AGREED AND WILL CONTINUE TO AGREE TO WHATEVER IS NECESSARY IN ORDER TO ENSURE THE CREATION OF THE IG. AT THIS POINT,

THEY ARGUE, THEY HAVE NO BASE OF POWER AND NO WAY TO
FORCE CHANGES. THEY WOULD SUFFER MORE THAN THE WHITES
FROM THE COLLAPSE OF TURNHALLE. ONCE THE IG IS SITTING,
THEY CONTEND, THEY WILL HAVE A LEGAL AND STRONGER BASE
OF POWER FROM WHICH TO PROMOTE, AND IF NECESSARY, FORCE
CHANGE.

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PAGE 04 CAFE T 00414 02 OF 05 191735Z

14. IT IS QUESTIONABLE, HOWEVER, WHETHER UNDER THE IG
THE NON-WHITE DELEGATIONS WILL BE IN A POSITION TO BRING
ABOUT CHANGE. THEIR TACTICS IN THE PAST HAVE BEEN TO
AVOID CONFRONTATION, AND THE IG WILL CONTINUE TO OPERATE
ON THE BASIS OF CONSENSUS. THE NON-WHITE BARGAINING POWER
WILL INCREASE IN THE SENSE THAT ANY DELEGATION COULD, FOR
EXAMPLE, BLOCK THE BUDGET AND DEMAND REFORMS, BUT NOT ONE
HAS SERIOUSLY SUGGESTED THIS AS A TACTIC. MEANWHILE, MANY
OF THE MOST CONTENTIOUS ISSUES WILL REMAIN UNDER THE CONTROL
OF THE SAG AND THE ETHNIC REPRESENTATIVE AUTHORITIES. NO
ONE APPEARS TO DOUBT THAT CHANGE EVENTUALLY WILL COME,
BUT THE PROCESS MAY BE A LONG ONE.

15. MOST OBSERVERS AND TURNHALLE DELEGATES ADMIT THAT SO
FAR THERE HAS BEEN NO POPULAR SHIFT OF PUBLIC SYMPATHY
INSIDE NAMIBIA TOWARD THE TURNHALLE. DELEGATES HOPE,
HOWEVER, THAT ONCE THE IG IS IN POWER AND BEGINS TO INSTI-
TUTE REFORMS WHICH IMPROVE THE QUALITY OF LIFE FOR THE MAN
ON THE STREET, THE SHIFT WILL BEGIN. END COMMENT.

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PAGE 01 CAFE T 00414 03 OF 05 191816Z
ACTION AF-08

INFO OCT-01 EUR-12 IO-13 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
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C O N F I D E N T I A L SECTION 3 OF 5 CAPE TOWN 0414

SWAPO AND INTERNATIONAL INVOLVEMENT:

16. SWAPO CONTINUES TO BE RECOGNIZED BY MOST UNBIASED OBSERVERS AS THE SINGLE MOST POPULAR POLITICAL GROUP IN NAMIBIA. ESTIMATES OF ITS CURRENT SUPPORT VARY WIDELY BUT IT IS USUALLY PEGGED BETWEEN 40 AND 50 PER CENT OF THE TOTAL POPULATION. MORE IMPORTANT THAN NUMBERS, HOWEVER, ARE THE KINDS OF PEOPLE WHO SUPPORT SWAPO. THESE APPEAR TO INCLUDE MOST OF THE WELL-EDUCATED YOUNG PEOPLE (A SMALL GROUP IN NUMBERS BUT SIGNIFICANT IN INFLUENCE), AND A LARGE PROPORTION OF THE TERRITORY'S BLACK TEACHERS AND MINISTERS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00414 03 OF 05 191816Z

17. INTERNAL SWAPO IS, HOWEVER, FACING SOME PROBLEMS. ACCORDING TO A WINDHOEK ATTORNEY CLOSE TO THE ORGANIZATION, SELF-EXILES AND ARRESTS OVER THE LAST TWO YEARS HAVE RESULTED IN ONLY SECOND ECHELON LEADERSHIP REMAINING INSIDE THE TERRITORY. A BLACK TURNHALLE DELEGATE SAID THAT SWAPO SUFFERED A SERIOUS SETBACK IN AT LEAST ONE PART OF THE TERRITORY AS A RESULT OF THE ARREST IN ZAMBIA OF ANDREAS SHIPANGA AND HIS FOLLOWERS. SHIPANGA HAD BEEN A WELL-RESPECTED FIGURE AND PEOPLE COULD NOT BELIEVE THAT HE HAD BETRAYED THE CAUSE. THERE IS A FEELING AMONG MANY OBSERVERS IN WINDHOEK THAT SWAPO IS STRONG MORE AS AN IDEA THAN AS AN ORGANIZATION. SWAPO HAS, OVER THE YEARS IN THE MIDS OF THE POPULATION, COME TO SYMBOLIZE INDEPENDENCE, EQUAL RIGHTS, AND FREEDOM FROM SOUTH AFRICA. THE IDEA REMAINS STRONG, BUT COULD BEGIN TO DIMINISH IF ANOTHER ALTERNATIVE WERE PERCEIVED AND IF SWAPO FAILED TO MOUNT ANY EFFECTIVE INTERNAL ACTION FOR A PROLONGED PERIOD OF TIME. INTERNAL SWAPO ITSELF FEELS ITS POWITION REMAINS STRONG. PUBLICITY SECRETARY DAN TJONGARERO TOLD EMBOFF THAT THE MOVEMENT IS LOOKING DOWN THE ROAD TO STRIKES AND DISTURBANCES ON SCALE SIMILAR TO

THOSE IN SOUTH AFRICA, BUT BETTER ORGANIZED AND NOT STUDENT LED. SWAPO HAS MADE SPECIAL EFFORT TO ORGANIZE LABOR AND OLDER LEEMENTS, AND TO IMPROVE ITS STATUS IN SOUTH OF COUNTRY. TJONGARERO BELIEVES THAT SAG WOULD NOT BE IN POSITION TO CRACK DOWN AS HARD IN NAMIBIA AS IT DID IN SA. SWAPO REALIZES THAT IT IS NO MATCH FOR THE CURRENT POWER STRUCTURE, AND IS THINKING IN TERMS OF A PROTRACTED STRUGGLE OF PERHAPS TEN YEARS IF A PEACEFUL SOLUTION CAN- NOT BE FOUND.

18. TJONGARERO CAUTIONED THAT HE IS NOT A SWAPO POLICY- MAKER, BUT DID OFFER HIS VIEWS ON A NEGOTIATED SETTLEMENT, WHICH HE TERMED STILL POSSIBLE, THOUGH NOT LIKELY. TJONGARERO'S VIEW IS MORE FLEXIBLE THAN SWAPO'S OFFICIAL POSITION. HE THINKS MAIN CONDITION IS THAT ANY SETTLEMENT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00414 03 OF 05 191816Z

MUST INVOLVE ELECTIONS ON A NATIONAL RATHER THAN ETHNIC BASIS, HELD UNDER INTERNATIONAL SUPERVISION. SUPERVISION WOULD PREFERABLY BE BY UN, BUT THIS COULD BE NEGOTIATED. TJONGARERO FEELS THAT SWAPO WOULD SURELY WIN SUCH ELECTIONS. PARTICIPANTS IN NEGOTIATIONS WOULD PREFERABLY BE SWAPO AND SOUTH AFRICA, BUT HE ALSO REFLECTED FLEXIBILITY IN THIS ASPECT. SWAPO WOULD NOT DEMAND HAND-OVER OF POWER BEFORE ELECTIONS. FURTHER CONDITION WOULD BE RELEASE OF ABOUT 200 POLITICAL PRISONERS, 40-50 OF WHOM ARE HELD IN SOUTH AFRICA, MOST ON ROBBER ISLAND. TJONGARERO BELIEVES SAG WOULD NOT AGREE TO ANY CONDITIONS WHICH WOULD RESULT IN A NAMIBIA TRULY FREE OF SAG CONTROL.

19. THERE ARE A WIDE RANGE OF VIEWS INSIDE THE TURNHALLE ON THE QUESTION OF SWAPO AND INTERNATIONAL PARTICIPATION IN AN ULTIMATE SOLUTION FOR NAMIBIA. MOST DELEGATES ARE NOT OVERLY CONCERNED WITH THE QUESTION AND FEEL NO SENSE OF URGENCY. INTERNATIONAL RECOGNITION, PARTICULARLY FROM WESTERN AND MODERATE AFRICAN COUNTRIES, IS DESIRED BUT NOT EXPECTED IN THE SHORT RUN. THE UNITED NATIONS AND OAU HAVE A BAD IMAGE AMONG DELEGATES, MANY OF WHOM TAKE THE SAG POSITION THAT THESE BODIES ARE BIASED, MAINTAIN DOUBLE STANDARDS, AND HAVE BEEN OF NO HELP TO THEM. MOST DELEGATES FEEL THAT TURNHALLE IS MORE REPRESENTATIVE AND MORE POPULAR THAN SWAPO AND THERE IS NO NEED TO TREAT SWAPO AS AN EQUAL. MANY DELEGATES HOLD A VERY LONG TERM VIEW UNDER WHICH THEY SEE THE INTERIM GOVERNMENT AND LATER THE PERMANENT GOVERNMENT MAKING REAL PROGRESS AND ESTABLISHING A FIRM BASE OF SUPPORT WHILE SWAPO LEADERS REMAIN IN EXILE AND THE INTERNAL ORGANIZATION'S SUPPORT SHIFTS TO THE GOVERNMENT. OVER A TEN-YEAR PERIOD, OR PERHAPS LESS, THE NEW GOVERNMENT WILL BE FIRMLY IN CONTROL, WIDELY SUPPORTED INTERNALLY, AND WILL HAVE GAINED A SUBSTANTIAL AMOUNT OF INTERNATIONAL

RECOGNITION. RATHER THAN FEELING ANY URGENCY TO TALK WITH
SWAPO, MANY DELEGATES WOULD ACTUALLY LIKE TO DELAY SUCH
TALKS AT LEAST UNTIL THE IG HAS MADE REAL PROGRESS AND
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 CAPE T 00414 03 OF 05 191816Z

HAS GAINED A WIDER BASE OF POPULAR SUPPORT.

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PAGE 01 CAPE T 00414 04 OF 05 191831Z
ACTION AF-08

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INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
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AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
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C O N F I D E N T I A L SECTION 4 OF 5 CAPE TOWN 0414

20. A FEW INFLUENTIAL DELEGATES RECOGNIZE THAT TALKS
WITH SWAPO WILL BE NECESSARY IF THE NEW COUNTRY IS TO GAIN
CREDIBILITY AND INTERNATIONAL ACCEPTANCE. FOREMOST AMONG
THESE ARE ANDREW KLOPPERS AND DIRK MUDGE. KLOPPERS, WHO
IN ADDITION TO LEADING THE COLORED DELEGATION ALSO HEADS
THE TURNHALLE'S "BLACK CAUCUS," FEELS THAT ONCE THE IG
IS SITTING MOVES WILL HAVE TO BE MADE TO BEGIN TALKS WITH

SWAPO. THE MAIN CONDITIONS ARE THAT GUERILLA ACTIVITIES CEASE AND THAT THE TALKS BE BETWEEN SWAPO AND THE IG. KLOPPERS SAID THAT TJONGARERO HAS INDICATED PRIVATELY THAT HE WOULD ACCEPT THIS, DESPITE HIS CONTINUING OPPOSITION TO SECOND TIER ETHNIC AUTHORITIES. KLOPPERS HAS ALSO

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00414 04 OF 05 191831Z

TALKED WITH PETER KATJAVIVI IN LONDON, AND BELIEVES EXTERNAL SWAPO WILL TALK TO TURNHALLE. MOVES ARE ALREADY UNDER WAY, ACCORDING TO KLOPPERS, TO TRY TO PLAN FOR TALKS, AND TWO MEN ACCEPTED BY BOTH SIDES, REV. DE VRIES AND GERHARD TOTEMEYER, HAVE AGREED TO TRY AND ACT AS GO-BETWEENS.

21. DIRK MUDGE CONSIDERS THAT SWAPO CONTINUES TO BE A SIGNIFICANT ORGANIZATION, AND HE EXPECTS TO BE HOLDING TALKS WITH THEM DURING THE IG PERIOD. MUDGE ADMITTED THAT HE DID NOT WANT SWAPO AT THE TURNHALLE, BECAUSE IT WOULD HAVE BEEN IMPOSSIBLE TO FORGE A CONSENSUS WITH THEM. MUDGE BELIEVES TALKS SHOULD BE HELD WITH AS FEW PRE-CONDITIONS AS POSSIBLE AND COVER AS FEW ISSUES AS POSSIBLE. TALKS SHOULD BE AIMED AT GETTING SWAPO PARTICIPATION IN EVENTUAL ELECTIONS FOR A PERMANENT GOVERNMENT THE FORM OF WHICH HAS YET TO BE DETERMINED. IF THE TALKS FOCUS ON TOO MANY ISSUES THEY ARE BOUND TO FAIL. MUDGE WOULD PREFER NOT TO DISCUSS A PERMANENT CONSTITUTION WITH SWAPO FOR THE SAME REASON. THE LOCATION OF THE TALKS IS NOT IMPORTANT. MUDGE'S MAIN CONDITION IT THAT ANY TALKS HELD BE BETWEEN SWAPO AND THE IG, NOT THE SAG.

22. THE FORM OF THE FINAL GOVERNMENT WHICH IS EXPECTED TO TAKE OFFICE IN EARLY 1979 IS NOT YET CLEAR. THE TASK OF DRAFTING A CONSTITUTION FOR THE INDEPENDENCE GOVERNMENT WILL FALL TO THE NATIONAL ASSEMBLY, BUT IT HAS NOT YET BEEN DECIDED HOW THEY WILL GO ABOUT IT. MOST DELEGATES FEEL THAT THE FINAL CONSTITUTION WILL INCLUDE MOST OF THE SAME ELEMENTS AS THE CURRENT DRAFT. P. H. MEYER, MP FOR CAPE TOWN AND HEAD OF THE FOREIGN RELATIONS COMMITTEE OF THE NP CAUCUS, TOLD AMBASSADOR THAT THE FINAL SWA GOVERNMENT WILL BE SUBSTANTIALLY THE SAME AS THE IG.

WHITE REFERENDUM:

23. A SPECIAL CONGRESS OF THE NATIONAL PARTY WILL MEET MARCH 29-30 TO CONFIRM THE NP HIERARCHY'S DECISION TO

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PAGE 03 CAPE T 00414 04 OF 05 191831Z

HOLD A REFERENDUM AMONG WHITE VOTERS ON THE QUESTION

OF INDEPENDENCE. THE REFERENDUM WILL PROBABLY BE HELD IN LATE APRIL OR EARLY MAY. THE QUESTION TO BE PUT TO THE VOTERS WILL BE: "ARE YOU IN FAVOR OF THE ESTABLISHMENT OF AN INTERIM GOVERNMENT AND INDEPENDENCE FOR THE TERRITORY OF SOUTH WEST AFRICA IN ACCORDANCE WITH THE PRINCIPLES ACCEPTED BY THE CONSTITUTIONAL CONFERENCE?" THE WHITES WILL THUS BE ASKED TO APPROVE BOTH THE IDEA OF INDEPENDENCE AND THE TURNHALLE AGREEMENTS. WHITE RESIDENTS OF WALVIS BAY AND SOUTH AFRICAN CIVIL SERVANTS NOT PERMANENTLY IN NAMIBIA WILL BE ENTITLED TO VOTE. GERMANS WILL NOT, UNLESS THEY HOLD SOUTH AFRICAN CITIZENSHIP.

24. THERE IS CONSIDERABLE CONFUSION AMONG NAMIBIANS AS TO WHY THE REFERENDUM IS BEING HELD, IN VIEW OF THE OVERWHELMING POPULARITY OF THE NATIONAL PARTY AMONG WHITES (73 PERCENT OF THE VOTE AT THE LAST ELECTION). IT SEEMS A FOREGONE CONCLUSION THAT THE VOTE, IF HELD, WILL SHOW A WIDE MEASURE OF SUPPORT FOR THE TURNHALLE. THE ONLY WHITES LIKELY TO OPPOSE INDEPENDENCE ARE SUPPORTERS OF THE HNP, WHO FAVOR A UNION OF SWA AND SA.

25. THE CALL FOR A REFERENDUM HAS RESULTED IN A MEASURE OF UNHAPPINESS AMONG TURNHALLE SUPPORTERS OF ALL ETHNIC GROUPS. BLACKS AND BROWNS ARE UNHAPPY AT NOT HAVING BEEN CONSULTED ON THE ISSUE, WHILE A SIGNIFICANT NUMBER OF WHITES FEEL THAT THE VOTE WILL SERVE NO USEFUL PURPOSE AND COULD BE A DISRUPTIVE INFLUENCE.

26. DIRK MUDGE EXPLAINED THAT THE WHITE DELEGATION WISHES TO HOLD A REFERENDUM BECAUSE THE STEPS NOW BEING TAKEN ARE OF SUCH IMPORTANCE AND THEY DO NOT WANT TO RUN THE RISK OF TURNHALLE DECISIONS BEING REPUDIATED BY WHITES AT A FUTURE DATE. AFTER ALL, MUDGE SAID, IT IS THE WHITES WHO HAVE HAD TO MAKE "ALL THE SACRIFICES,"

CONFIDENTIAL

PAGE 04 CAPE T 00414 04 OF 05 191831Z

AND WHO WILL HAVE TO MAKE ALL THE SACRIFICES UNDER THE INTERIM GOVERNMENT, SO THEY DESERVE TO BE CONSULTED. A WHITE LEGAL ADVISER AGREED THAT THE REFERENDUM WAS A USEFUL TOOL TO ENSURE THAT WHITES REALIZE AND SUPPORT WHAT IS HAPPENING.

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PAGE 01 CAPE T 00414 05 OF 05 191842Z
ACTION AF-08

INFO OCT-01 EUR-12 IO-13 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 EB-08
COME-00 TRSE-00 DHA-02 /083 W
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O R 191555Z MAR 77
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 5847
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMCONSUL DURBAN
AMEMBASSY GABORONE
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 5 OF 5 CAPE TOWN 0414

27. NO OTHER POPULATION GOUP HAS PLANS FOR A REFERENDUM.

VIEWS ON THE FUTURE OF WALVIS BAY:

28. PRIME MINISTER VORSTER'S ANNOUNCEMENT IN PARLIAMENT MARCH 15 THAT LEGISLATION WILL BE INTRODUCED TO TRAT FER THE ADMINISTRATION OF WALVIS BAY TO CAPE PROVINCE, AND HIS EARLIER STATEMENTS THAT THE ENCLAVE WILL REMAIN AN INTEGRAL PART OF SOUTH AFRICA, IS SEEN BY MOST NAMIBIANS BOTH INSIDE AND OUTSIDE OF THE TURNHALLE AS AN ATTEMPS BY VORSTER TO IMPROVE HIS BARGAINING POSITION AND KEEP HIS RIGHT WING IN LINE. ALL NON-WHITE TURNHALLE DELEGATES HAVE, AND,WE DOUBT, THAT WALVIS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00414 05 OF 05 191842Z

BAY WILL EVENTUALLY BE INCORPORATED INTO AN INDEPENDENT NAMIBIA. IT IS FELT THAT MOST RESIDENTS OF WALVIS BAY, THOUGH PERHAPS NOT MOST WHITE RESIDENTS, WOULD WANT TO BE INCLUDED IN AN INDEPENDENT NAMIBIA. SOUTH AFRICA'S LEGAL CASE YR RETAINING WALVIS BAY IS NOT ACCEPTED AS A VALID ARGUMENT.

29. THE QUESTION OF WALVIS BAY AROSE BUT WAS NOT SERIOUSLY DISCUSSED IN THE TURNHALLE. IT WAS QUICKLY DECIDED THAT THE ISSUE SHOULD BE NEGOTIATED BETWEEN THE INTERIM GOVERNMENT AND THE SAG. A FEW OF THE MORE CONSERVATIVE TURNHALLE SUPPORTERS WOULD BE SATISFIED TO SEE WALVIS BAY AS A FREE PORT CLOSELY LINKED ECONOMICALLY WITH NAMIBIA.

30. AT LEAST ONE DELEGATION LEADER, DR. BEN AFRICA, EXPRESSED AWARENESS THAT THE TERRITORIAL QUESTION INCLUDES NOT ONLY WALVIS BAY, BUT A NUMBER OF ISLANDS ALONG THE SOUTH WEST AFRICAN COAST, WITHIN WHOSE WATERS LIE NAMIBIA'S MAJOR FISHING GROUNDS AND POSSIBLE MINERAL WEALTH. DR. AFRICA SUGGESTED THAT IF NECESSARY HE, FOR ONE, MIGHT BE WILLING TO GIVE UP WALVIS BAY TO GAIN CONTROL OVER THE ISLANDS.

BILL OF RIGHTS:

31. THE DRAFT CONSTITUTION FOR THE IG INCLUDES AN UNENFORCEABLE BILL OF RIGHTS (CAPE TOWN 0328) LISTING THIRTEEN BASIC RIGHTS AND ESTABLISHING A CONSTITUTIONAL COURT TO ADVISE THE NATIONAL ASSEMBLY WHEN IT CONSIDERS A PROPOSED BILL WILL INFRINGE ON ANY OF THESE RIGHTS. IF THE NATIONAL ASSEMBLY WISHES, IT CAN ENACT A BILL IN SPITE OF THE COURT'S DECISION. A PROVISION THAT CONSTITUTIONAL COURT JUDGES MUST HAVE AT LEAST TWENTY YEARS' LEGAL EXPERIENCE WILL ENSURE THAT THE COURT REMAINS A WHITE PRESERVE FOR MANY YEARS TO COME.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00414 05 OF 05 191842Z

32. THE BILL OF RIGHTS PROPOSAL WAS FIRST INTRODUCED TO TURNHALLE BY THE BASTER DELEGATION, WHICH BASED ITS DRAFT ON THE FRG CONSTITUTION. THE PROPOSAL DREW QUICK SUPPORT FROM MOST BLACK AND BROWN DELEGATES, BUT SERIOUS OPPOSITION FROM THE WHITES. TWO SEPARATE SOURCES CLOSE TO THE TURNHALLE REPORT THAT THE OVAMBO DELEGATION AT FIRST STRONGLY SUPPORTED CONCEPT OF ENFORCEABLE BILL OF RIGHTS, BUT THEN WITHDREW SUPPORT UNDER PRESSURE FROM SAG LEGAL ADVISER TO DELEGATION VAN ROOYEN WHO IS VORSTER'S PERSONAL LAWYER AND CONFIDANT. IN THE END, THE FIVE DELEGATIONS (INCLUDING BASTERS AND COLOREDS) WHICH STRONGLY SUPPORTED ENFORCEABLE RIGHTS WERE FORCED TO YIELD.

33. MOST BLACK AND BROWN DELEGATES CONSIDER THE INCLUSION OF BILL OF RIGHTS IN CONSTITUTION, EVEN THOUGH NOT ENFORCEABLE, TO BE SIGNIFICANT BREAKTHROUGH, PARTICULARLY IN VIEW OF PRIME MINISTER VORSTER'S KNOWN OPPOSITION TO SUCH MEASURES. BLACK AND BROWN DELEGATES

BELIEVE THAT BILL WILL HAVE STRONG MORAL FORCE AND
MAKE END TO APARTHEID EASIER TO ACHIEVE. A WINDHOEK
ATTORNEY, HOWEVER, EXPRESSED THE OPINION THAT FROM A
LEGAL POINT OF VIEW THE BILL OF RIGHTS WOULD BE USELESS.BOWDLER

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Message Attributes

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